

Annex I

Public

From: Trial Chamber X Communications
Sent: 28 May 2021 14:53
To: Al Hassan Prosecution Team; 'D28AlHassanDefenceTeam'; 'V43LRVTeam';
Cc: FS Items Communication; Associate Legal Officer-Court Officer; Trial Chamber X Communications
Subject: Decision on submitted material for P-0617 and P-0587
Attachments: OTP submission email for P-0617 and P-0587 5 May 2021.pdf; Defence response 10.05.2021.pdf; Defence submission email for P-0587 6 May 2021.pdf; Defence submission email for P-0617 5 May 2021.pdf; OTP Reply 11 May 2021.pdf; OTP response re P-0587 6 May 2021.pdf; OTP response re P-0617 5 May 2021.pdf

Dear counsel,
 Dear colleagues,

The Chamber notes the submission of items by the Prosecution (Email from the Prosecution dated 5 May 2021 at 17:13 and corresponding attachment) and the Defence (Emails from the Defence dated 5 May 2021 at 16:17 and 6 May 2021 at 13:39) following the testimony P-0617 and P-0587.

The Chamber takes note of the parties' responses to the submission of items by the other party (Email from the Defence dated 10 May 2021 at 17:43 and emails from the Prosecution dated 5 May 2021 at 17:42 and 6 May 2021 at 13:59), as well as the Prosecution's reply to the objections raised by the Defence (Email from the Prosecution dated 11 May 2021 at 15:57).

The Chamber has had due regard to the email exchanges between the parties as a result of their respective submission of items following the testimony of P-0617 and P-0587. Noting the overlap between the items related to these two witnesses and the objections and replies thereto, the Chamber has considered them together.

The Chamber is satisfied that all items tendered were sufficiently used or discussed with P-0617 and P-0587 during their testimony in a broad sense for them to be recognised as formally submitted at this stage. In relation to the objections of the Defence, the Chamber considers that the matters raised pertain more to the reliability and weight to be given to these items than to their submission at this stage of the proceedings. In line with its previous decisions, the Chamber will consider the relevance and probative value of these items as part of the holistic assessment of all evidence submitted when deciding on the guilt or innocence of the accused, having due regard to the submissions made by the parties. The Chamber additionally recalls that introduction of the objected items was previously authorised under Rule 68(3) of the Rules (ICC-01/12-01/18-1267-Conf, paras 22-25), pending solely the formalities under this provision, which were fulfilled during P-0617's and P-0587's testimony in court (see T-080 and T-082).

Accordingly, the Chamber authorises the submission of the material in the attachment to the Prosecution email of 5 May 2021, and the submission of the material identified in the Defence emails of 5 and 6 May 2021.

The Registry is directed to proceed in accordance with paragraph 34(vi) of the Directions on the conduct of the proceedings (ICC-01/12-01/18-789-AnxA).

Kind regards,

on behalf of Trial Chamber X